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A  
HISTORICAL SKETCH

AND

Review of the Business

OF THE

CITY OF LEAVENWORTH,

NEBRASKA TERRITORY;

WITH A VARIETY OF

STATISTICAL AND LOCAL INFORMATION.

ITS RAPID PROGRESS, COMMERCIAL ADVANTAGES, AND  
FUTURE PROSPECTS; ALSO CONTAINING AN AB-  
STRACT OF THE PRE-EMPTION LAW

WRITTEN AND PUBLISHED BY  
A. G. HAWES.

LEAVENWORTH CITY:

PRINTED AT THE "JOURNAL" BOOK AND JOB OFFICE  
1857.

1127  
(Leavenworth)

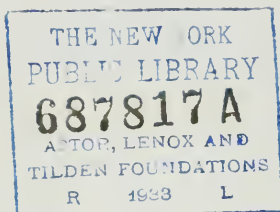
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## City of Leavenworth.

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LEAVENWORTH CITY, the largest and most flourishing town of Kansas, is situated on the left bank of the Missouri River, about 23 miles above the mouth of the Kaw or Kansas River, and 465 miles above its confluence with the Mississippi. It is located partly upon a rocky bluff, which rises abruptly from the river in the Northern portion of the town, while it slopes gradually down to the bank in the Southern part, affording an excellent landing for steamboats, and an easy access from the levee to all sections of the city, without difficult grades. Its central position, good landing, beautiful site, and healthy location, together with the abundance of good timber and water, marked the site of Leavenworth at an early day as the place for *the* city of Kansas. In addition to these advantages the proximity of Fort Leavenworth, and the beauty of the surrounding country, which, on account of its fertility, has been styled the "Garden of Kansas," constituted additional inducements to the selection of the present site.

The geographical position, too, of the City of Leavenworth cannot fail to strike even the casual observer with its superiority, in this respect, to all other places on the river. It is forty-six miles south, and twenty-two miles east, of the point where the western line of the Territory strikes the Missouri River; while it is fifteen miles north and eighteen miles west of the point where the eastern boundary touches the same stream. This central location renders it necessarily the most favorable point for shipping produce or merchandise to or from the interior of the Territory; making a saving

of overland transportation of from ten to twenty miles over Kansas City, Missouri. This will readily appear by a reference to any accurate map, as Leavenworth is nearly twenty miles west of that point.

The convenience of access to all the more thickly-settled portions of Kansas constitutes an advantage possessed by no other river town. Two miles north of the city lies Fort Leavenworth, from which its name is derived. Government has constructed, from this Fort, substantial and durable roads in various directions, for convenience in transporting stores, which are bridged and kept in constant repair. One of these roads extends to the north-west, passing through a delightful country, well timbered and watered, to Fort Laramie; another takes a course nearly west, finding its way to the Kansas River, and following its valley nearly 100 miles, to Fort Riley, thus passing through the most thickly-populated section of the Territory; another still takes a more southern course, to Fort Scott. There are others leading to different points, which, with those just named, form a complete system of roads, all terminating at or near Leavenworth City.

It is not strange, that with such advantages as we have just named, the present site of Leavenworth should have been selected for a City; especially when Nature was found to have indicated so unmistakably the location, that its beauty and eligibility was a subject of general remark by travellers on the Missouri River.

Accordingly, in the year 1854, immediately after the passage of the Nebraska-Kansas Bill, a company of gentlemen was formed for the purpose of laying out and surveying a town upon this location. On the 11th of June the claims were taken, and two days subsequently the Leavenworth City Association was formally organized. Although, at this time, there were a number of claimants upon the two quarter-sections composing the site, an amicable arrangement was entered into, by which the several claimants relinquished their individual rights, and entered into the Town Association. Geo. W. Gist, — since deceased, — was elected first President, and H. Miles Moore, Secretary, of the organization, which consisted of thirty-two members. Immediate steps were taken for surveying the ground and clearing it of the almost impenetrable growth of underbrush with which it was covered. During the months of June,



July and August, more than \$4000 was expended in this manner. The town was divided into 175 shares, each share consisting of twelve lots, 24 feet front by 125 deep; of these, each original member of the association retained five, leaving fifteen shares in the hands of the trustees, to be disposed of as they might think most conducive to the interests of the new city. At first, shares were sold at \$250, but they soon rose in value to more than double that amount, and were so much in demand that few were left in market at any price.

On Monday, October 9th, 1854, the first public sale of lots took place. This was shortly after the arrival of Governor Reeder in the Territory. A large number of persons were present, many of whom had come from distant States, to attend the sale. The town-site had been surveyed and mapped, and its streets cleared from rubbish. The streets parallel with the river were numbered, as far as Seventh street, and the cross streets, named for various Indian tribes, commencing on the south, are in the following order: Choctaw, Cherokee, Delaware, Shawnee, Seneca, Miami, Osage, Pottawatomie, Ottawa, Kickapoo, Kiowa, Dacotah, Pawnee and Cheyenne. The streets parallel with the river are sixty feet wide; the cross streets sixty-one, and there are thirty-two lots in a block. Seven blocks were laid off, next the river, and about 150 feet from it, into warehouse-lots, and the vacant space donated as a public levee.

The terms of sale of the lots were, that one-third of the purchase-money was to be paid down, and the remainder when a title should be secured. One-hundred-and-four lots were thus disposed of, at an average of \$130 per lot,—the highest price paid being \$390, and the minimum being \$50, for a single lot. The lots sold were distributed equally over the entire site, and none had a front exceeding twenty-four feet.

There was, at the time of this sale, but one building completed on the Leavenworth town-site. This was occupied as a printing office for the *Herald* newspaper, an account of the establishment of which may not be inappropriate here, especially as it constitutes a prominent feature in the early history of the town. The first number of the *Kansas Weekly Herald* was issued on the fifteenth of September, 1854. It was under the management of Messrs. Osborn & Adams, the former of whom was soon succeeded by L. J. Eastin,

the present editor of the *Herald*. At this period there was no building sufficiently advanced to receive the printing materials, and the type for the first number was "set" under the shade of the "big Elm Tree," which stands on the corner of Cherokee street and the Levee. It was here that the first newspaper in Kansas was published, surrounded by circumstances which then seemed discouraging enough,—except to the "eye of faith." A few weeks later found the paper in more comfortable quarters, although yet encountering obstacles enough to appal any but the most persevering. The following humorous sketch of the office, as presented to the eye of a stranger, was written by a gentleman from Baton Rouge, La., who visited Leavenworth, and wrote his impressions to the *Louisiana Advocate*:

"A visit to the printing-office afforded a rich treat. On entering the first room on the right hand, three law "shingles" were on the door; on one side was a rich bed—French blankets, sheets, table-cloths, shirts, cloaks and rugs, all together; on the wall hung hams, maps, venison and rich engravings, onions, portraits and boots; on the floor were a side of bacon, carved to the bone, corn and potatoes, stationery and books; on a nice dressing-case stood a wooden tray half full of dough, while crockery occupied the professional desk. In the room on the left—the sanctum—the housewife, cook and editor lived in glorious unity,—one person. He was seated on a stool, with paper before him on a piece of plank, writing a vigorous knock-down to an article in the *Kickapoo Pioneer*, a paper of a rival city. The cook-stove was at his left, and tin kettles all around; the corn cake was "a-doing," and, instead of scratching his head for an idea, as editors often do, he turned the cake and went ahead."

Since that period the circulation of the *Herald* has increased with the growth of the city, and is at present in quite a flourishing state. Two other papers have since been started, notices of which will be found in their appropriate places.

Even at the early period to which we refer, before yet the embryo city had divested itself of its covering of underbrush, or even the location of streets could be discovered, otherwise than by "stakes," evidences of enterprise and progress were seen in every direction, among the few settlers who occupied the town-site. By

the middle of October, a steam saw-mill, a printing-office, several stores, a large hotel, warehouses, and a large number of private dwelling-houses were in course of erection, and indications of rapid improvement were everywhere to be seen. The population of Leavenworth was thus humorously stated, at this time: 99 men, 1 woman, and 0 babies—total, 100!

From the first sale of lots—October 9th, 1854—may be dated the History of Leavenworth City. All that had been done before this was merely preparatory, and from this date its progress has been truly unexampled. Works of public improvement have kept pace with private enterprise, and these, in their turn, have advanced with such rapid strides as to be beyond the most sanguine expectations of its warmest friends. Notwithstanding the efforts of its enemies to build up rival cities by slandering and belittling the advantages of Leavenworth as a commercial point; notwithstanding their efforts to prove the titles to property to be invalid and worthless.—which we shall notice more particularly hereafter,—this city has advanced with wonderful rapidity, keeping from the first its ascendancy as the largest town in the territory, and leaving all rival places on the Missouri River far behind her, in works of public improvement and private enterprise. Even to those who, from the first, have seen its advantages in locality, in proximity to the Fort, and numberless other circumstances favorable to a rapid growth, its progress has been a standing wonder.

Among the more prominent reasons for this rapidity of growth, we may notice the adjacency to the Fort, where hundreds of thousands of dollars are annually paid out. It is from this depot that the vast government trains start, which supply the various military posts among the distant Indian tribes. Here are stationed at all times, a large body of troops, recruiting the men and horses, after the hardships of an Indian campaign, or remaining in readiness for the breaking out of fresh disturbances. In the year 1854, more than \$600,000 was disbursed at this point, in pay to the soldiers and employees of government, and for provisions and other necessities to a military establishment. As a matter of course, a large cash trade must accrue to the town nearest such an establishment, and Leavenworth City possesses this advantage alone.



The trade accruing from the Fort, however, is destined to be a small item in the business of Leavenworth City. The freighting of the vast quantities of merchandise and provisions required to be annually transported across the plains, constitutes a business, the natural radiating point of which is Leavenworth, and which employs hundreds of men and thousands of oxen and mules. The Salt Lake Traders and California trains will also set out from this point, and fit out here for their arduous journeys across the deserts. As early as 1854, several of these traders had commenced starting their trains from Leavenworth, and we may confidently expect that ere long the Santa Fe and New Mexico trade will follow their example. It is evident that this rich and growing business must eventually be done at some point on the Missouri River, provided there be a suitable place, convenient for approach and departure, without a material increase in distance. This, more unquestionably, is that place. The government roads to New Mexico, California and Oregon, are the shortest and best that can be made, and the streams are bridged, in many cases, with substantial and costly structures. It was for the reason that Fort Leavenworth was the most eligible point on the river, for reaching the country in the far South-west, that its site was selected, and has since been retained. The outfitting business just spoken of has heretofore been done by the frontier towns of Missouri. Independence and Westport, neither of them upon the river, have monopolized, to a great extent, the Chihuahua and Santa Fe trade, while Weston and St. Joseph have fitted out the emigrant trains for the Salt Lake, California and Oregon. All these towns are far inferior, in the natural advantages required by this trade, to Leavenworth, and it is evident that but a short time will elapse before the channel will be changed to this point.

It is a fact, noticed by every traveler in Kansas, that the Delaware Indian lands are among the richest and most beautiful, not only in Kansas Territory, but in our whole country. A large portion of these lands have recently come into market, and passed from the hands of the Indians into the possession of settlers and others; while a large amount yet remains to be sold. The permanent reservation of the Delawares, which extends some forty miles along the side of the Kansas River, embraces all the lands occupied by

the tribe. These Indians receive a large annuity from government, in addition to the proceeds derived from the sale of their lands, which alone would render them the wealthiest community inhabiting an equal extent of territory, to be found on this continent. An extensive cash trade arises from this source, which has formerly been done entirely by the frontier towns of Missouri; these now share with Leavenworth the lucrative Indian trade.

But let us return from a statement of the advantages of Leavenworth City, and inquire whether its *actual progress* has not been, in some degree, commensurate therewith.

About the 12th of December, 1854, Mr. M. Clark sold sixty acres of unimproved land adjoining the city for \$1500, cash in hand, and Dr. Few was offered \$2000 for the same number of acres, which he refused.

In the following April, five months after the sale of lots, a post-office was established at Leavenworth City, and Mr. L. N. Rees appointed postmaster. Previous to this time there was no office nearer than the Fort. The following paragraph, copied from the *Herald* of April 13th, gives a faithful picture of the business operations of Leavenworth at the time specified:

"BUSINESS AND IMPROVEMENTS IN LEAVENWORTH.—Our town continues to grow, and its citizens still keep moving. During the present week, to say nothing of the past, some eight or ten good, substantial buildings have gone up, some of them two stories. The busy hum of industry is heard from early dawn until late in the evening. A great many buildings are now in course of erection, and several hundred will be put up this season. Two brick-yards will soon be in operation, and several hundred thousand brick made this season. Every boat that comes up the river lands at our wharf with crowds of immigrants. During the past six days there has been landed at this place over 300 sacks of flour, 250 bushels corn meal, 1000 bushels of corn, a large quantity of oats, bacon, etc. Some 15,000 feet of pine lumber was also landed here, and a large quantity of window-blinds, sash, etc. Our merchants generally are receiving large quantities of dry goods, groceries, and outfitting goods for the use of emigrants and others, who intend crossing the plains."

Leavenworth then contained a population of about 500 persons, there being within its limits some 75 houses, 2 steam saw-mills in active operation, one hotel, two lumber-yards, a number of stores, warehouses, boarding-houses, etc. On the 10th of March, the steam-boat *Sonora* made her appearance at the Levee, being the first arrival of the season.

The first city election in Leavenworth was held on the 3d of September, 1855. The officers chosen at that election were a Mayor and board of nine councilmen; the following gentlemen receiving a majority of votes :

*Mayor.*—THOS. T. SLOCUM.

*Council.*—J. H. Day, Thos. H. Doyle, F. Emory, A. Fisher, W. J. Marvin, J. McClelland, G. J. Park, G. Russell, — Truesdale.

One year from the first sale of lots,—October, 1855,—there was in Leavenworth a population of about 1200 souls, with 500 voters, showing a progress, in one year, which is truly unexampled. The project of erecting a large and commodious hotel actively engaged the attention of the citizens at this time, and \$15,000 was subscribed for the purpose with but little effort. A Company having been formed, officers were elected, and the title of "Planters' Hotel Company" was adopted. About the 10th of November following, the ground was broken for the new hotel, on the corner of Main and Shawnee streets, the contracts for the stone-work and masonry given out, and the work vigorously commenced. An idea of the amount of business done in Leavenworth may be formed, when the fact is considered that \$17,474 freight was paid during one week in June, for merchandise and produce landed at the Levee. In three weeks of the following November, among other articles of freight landed, were 4000 sacks of flour. These statements may seem incredible to residents of older States; they are, nevertheless, strictly true.

The first number of the *Kansas Territorial Register*, published by A. M. Sevier, and edited by M. W. Delahay, appeared on the first of July. It was, politically, a supporter of Mr. Pierce's administration. Its course, however, becoming offensive to a portion of the community, on Saturday evening, December 22d, the materials were destroyed, and the press thrown into the Missouri River.

Sixteen months from the date of settlement, the improvement had been so marked, that we cannot forbear giving a statement of the



various kinds of business at that time. It was prepared in January, 1856, and shows accurately the business operations then carried on. Of dry goods stores, there were 9; clothing stores, 5; family groceries, 12; cabinet shops, 3; furniture store, 1; drug stores, 3; lumber dealers, 4; commission houses, 2; boot and shoemakers' shops, 5; saddlers' shops, 2; blacksmiths' shops, 3; painters and glaziers, 5; carpenters' shops, 12; tin and stove stores, 2; printing office, 1; bakeries, 2; brewery, 1; livery stables, 3; plasterers, 5; wagon-maker's shop, 1; silversmith, 1; boot and shoe store, 1; meat markets, 3; slaughtering and pork-packing, 2; hotel, 1; boarding-houses, 23; stone-masons, 3; brick-yards, 3; brick-masons, 3; schools, 2; churches, 4; steam saw-mill, 1; physicians, 8; lawyers, 22; saloons, 14; buildings, 307. There were, residing within the corporate limits of the city, not less than 1500 persons. By data, received at this time from the merchants and commission houses, it was computed that at least \$116,000 was paid out for freight from St. Louis alone, during the year. Up to the time these facts were collected, more than 1600 hogs had been slaughtered by two houses in the city. Neither had the spiritual interests of Leavenworth been neglected; for even at this early time we find six different denominations holding regular services, and four church buildings had been erected. Thus, in a year and four months, had an uncultivated wild, resonant only with the shrill cry of the wolf, or the melancholy hooting of the owl, been transformed into a flourishing and busy town, where the hum of industry was continuous, and the sharp music of the saw, the hammer, and the anvil, mingled into a harmonious note of invitation to the weary immigrant.

On the 21st of January, an election was held to fill a vacancy occasioned by the resignation of Mayor Slocum. Wm. E. Murphy, Esq., was chosen to fill this vacancy, whose inaugural address, as it is very brief, we insert nearly entire :

GENTLEMEN : \* \* \* We are called together here, merely as guardians of the interests of our fellow-citizens, and it behooves us to cause wise and judicious counsels to prevail among us, in order that we may well protect those interests; and while it is my duty, it will at the same time be my pleasure, to co-operate with you in the adoption of every measure that shall tend to advance the interest, and promote the happiness and prosperity of our young and grow-

ing city. The obligations of the solemn oath you have just heard administered to me, shall be kept steadily in view, and no effort on my part shall be wanting, faithfully to comply therewith. By virtue of the office I now hold, I am a conservator of the peace, and in my daily intercourse with my fellow-citizens, I shall endeavor to impress upon them the necessity of cultivating feelings of amity and goodwill, one towards another, believing that thereby this part of my duty will be made light. It is by a faithful execution of the laws, tempered with that justice and mercy which the real spirit of the law requires, that we must expect, as a community, to get along harmoniously and prosperously; and in the discharge of my duties, I feel assured that their love for order and good government will cause them to curb passion, respect the laws, and obey the legally-constituted authorities."

The unfortunate disturbances which existed in Kansas during the summer of 1856, are too generally known to require any notice in this connection. The general paralysis of industry and trade which prevailed in the Territory was felt in Leavenworth City most severely. A shock was given to all descriptions of business, from which they have hardly yet recovered; a reference to our statement of business, however, will show, that Leavenworth, even then, continued to grow, and that rapidly.

On the first of the following September, an election coming on for city officers, Mayor Murphy was re-elected, and the following named gentlemen constituted the council: First Ward—J. H. Day, W. A. Shannon, D. R. Newland, J. Westcott; Second Ward—C. Beck, O. F. Renick, John A. Halderman, Wm. S. Dodd.

The winter of 1855-6 was the severest which had been experienced in this locality for a long term of years. The first snow of the season fell on the 22d of December, and continued accumulating until the 3d of February, when it lay on the ground to the depth of two feet. On that day, too, the mercury indicated 30 degrees below zero, and for a long time previous had ranged from zero to 22 degrees below. The river had then been frozen for seven weeks, and the ice was more than two feet in thickness. Notwithstanding the severity of the winter, however, the river was open for navigation as early as the 10th of March, and the first boat of the season—the *Arabia*—arrived at the Levee on that date.



In the beginning of June, the first number of the *Leavenworth Journal* appeared, under the editorial management of S. S. Goode & Co. A few weeks later, Mr. John D. Henderson assumed the editorial supervision of the *Journal*, and has continued to conduct the paper to the present time. In politics, it is a supporter of the administration, although an ardent advocate of Southern Rights. Its circulation and advertising patronage are large and increasing.

Having thus given in brief some of the main facts connected with the settlement of Leavenworth, and its advantages, commercially, we reserve for separate notice the present condition of business, and the question of land titles, which will be found on succeeding pages. A view of the probable Future of Leavenworth, will, therefore, close this sketch. As we have no means of judging what is to be, except by what has been, we can but *predict* what will be that destiny; although we may, in this instance, bring the experience of other cities and towns to our assistance, where the location and natural resources show a similarity. "Like causes produce like effects;" and by the conclusions of analogy, we must accord to Leavenworth a glorious future. That she will be the commercial centre and entrepot of goods for Kansas, hardly admits of a doubt in the minds of those who can view her geographical and natural advantages with an unprejudiced eye. We cannot refrain from drawing upon the columns of the *Herald* for a few thoughts under this head:

"The question — 'What is the destiny of Leavenworth?' will, no doubt, be pronounced unanswerable and insoluble by many persons, who will say, — 'Towns, like men, know what they are, but none know what they will be.' We do not, for a single moment contend, nor do we wish to be understood as such, that it is our gift, or the power of any mortal man, to foretell or reveal the future; but let us enter upon calculations based upon the data furnished by the past growth of our town, (which is without a parallel in the entire West,) and her unparalleled prosperity, and we readily arrive at the conclusion that the day is not far distant when the population of Leavenworth will be reckoned by tens of thousands, and that our town, before many years roll by, will become a City of enviable repute and great importance, and will be known, not only in the West, but in the North, South, and far East; — throughout the Union. The past growth of Leavenworth, which has been so rapid as to be

almost fabulous, warrants the belief, that in a few years she will surpass all her cotemporaries upon the Missouri River. Such are her present prospects. This must be admitted, however painful the admission may be. The future course of our city bids fair to be attended by the same unexampled prosperity as has hitherto rewarded the exertions and enterprise of her citizens. Her future growth promises to be equally great in rapidity as her past, which is, as we have already stated, unexampled—unparalleled. Moreover, there are many cogent reasons, besides the past growth of Leavenworth, for entertaining the belief as expressed above; for, in predicting the future of Leavenworth, is it not just that we should consider her beautiful and eligible situation, which an observant eye can at once perceive, her surpassingly beautiful environs, her inviting back country,—unequalled in fertility of soil,—which can be had by the actual settler almost ‘without money and without price?’ Should we not bear in mind the many natural advantages our city possesses; and should we not also remember that it needs no one of prophetic vision to foresee that this is to become the Commercial Emporium of Kansas? The untiring industry, the indefatigable perseverance, which has so far characterized the efforts of our citizens, induce us to hope that our expectations,—high and sanguine as they appear to some persons,—will not be unfulfilled, and we believe we shall see the day when our predictions will be verified.”

The navigation of the Kansas River, a project so dear to some, has been demonstrated, we think to the satisfaction of nearly all, to be impracticable during the most of the year, and even then, quite precarious. Although often attempted, the trials have been attended with almost uniform failure, and it is now regarded by the most experienced steamboatmen as a project never to be realized. While deploring the fact that Kansas has no navigable rivers, it must be conceded that the fact is advantageous to Leavenworth in a commercial aspect. The central portions of the Territory must receive their merchandise from some point on the Missouri river. Will not that point be the one nearest and most convenient? The charges for freights on the Missouri River are the same to Leavenworth as to points thirty or forty miles below;—a fact not to be overlooked. Enumerating the various facts which form the basis of a large commercial city, how many can we find in which she is deficient?

Few, indeed. She has all the elements for a commercial city; she has the enterprise and industry; and above and beyond these, she has the advantage of priority: — she is *ahead* !

Thus the Destiny of Leavenworth becomes, to the unprejudiced looker-on, almost a certainty; and that she will continue to grow is as surely foreshadowed as any commercial event can be done. To justify these remarks touching the future growth of the city, we refer the reader to the statistical matter in the succeeding pages, which will, we think, fully bear us out,

## Hotels, Commerce and Trade.

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Under this head we propose to give, in brief, some facts concerning the trade of the city, during the year 1856, giving the number and names of our business men at the present time, (February, 1857,) with such other matters, connected with these, as may be of interest.

As we have before remarked, the difficulties, which had such a disastrous effect upon all kinds of business throughout the Territory, retarded, in a marked degree, the growth of the town. When we consider, however, the state of affairs at that time, our only wonder is, that the population and trade should have increased at all; that it should not rather have decreased.

During the season of 1856, the large hotel previously referred to was completed, and, on the 3d of December, opened for the reception of guests. This elegant and commodious building deserves more than a passing notice at our hands. It has a location upon Shawnee street, between Main and Water, and fronts upon the three, extending through the block. It is four stories in height, built of the finest of brick, in a substantial and durable manner; its exterior may, in fact, challenge comparison with the hotels of St. Louis. It has a front on Shawnee street of 110 feet, and the Main and Water street fronts are each 74 feet. The work has been finished in the most thorough manner, and it is roofed with tin. In the interior, we find all arrangements necessary to the comfort and convenience of



its guests. The sleeping apartments are high, large and airy,—the height of rooms in the several stories being as follows: 1st story, 14 feet; 2d do., 13 feet; 3d do., 12 feet; and 4th story, 10 feet. The magnificent dining-hall is 106 feet in length, and will accommodate 200 guests at a sitting. The furniture, which is of the latest styles, and which cost \$15,000 to \$20,000, is elegant and durable; the silver ware and plate, manufactured by Child, Pratt & Co., New York, is solid and beautiful; in short, the Planters' Hotel wants none of the conveniences and ornaments of a first-class house. From the roof a delightful view of the country for a long distance around may be obtained; far to the northward and southward winds the Missouri River, whose course, fringed with a broad belt of timber, may be traced for many miles; while westwardly stretches the undulating prairie, terminating in a line of high bluffs. The lessees of this elegant house are Messrs. McCarty & McMeekin, who are eminently fitted for the position of hosts, as they are respected for their social qualities in private circles. We have given a detailed notice of this house, because it is a work, which, commenced in the infancy of the city, and costing in the aggregate near \$50,000, is not only the pride and ornament of our town, but an index to the enterprise and public spirit of its citizens.

Besides the Planters', we have other hotels, less magnificent, indeed, in outward appearance, but where the comfort and convenience of guests are well attended to.

The Leavenworth Hotel was the first public house erected in the place, and is situated on the corner of Main and Delaware streets. It is a three-story building, and kept in excellent style by A. Beach, who has recently become its proprietor.

The Union House, also, on the corner of Main and Shawnee, is well kept, and affords excellent accommodations. Capt. H. T. Clarke is the proprietor.

The St. George, corner of Delaware and Second streets, and the Temperance House, on Delaware, are each pleasant homes for the traveler.

It is not difficult for the visitor, however fastidious he may be, to suit himself here in a hotel. Leavenworth, in fact, has the best hotel accommodations west of St. Louis. It is unnecessary to dilate upon the subject of good public houses. Every one who has traveled

beyond the precincts of his native town, knows the vexations and annoyances incident to a bad hotel; annoyances to which the visitor in Leavenworth need not be subjected.

We obtain from Mr. J. W. Skinner, general steamboat agent, some facts regarding the Missouri River trade during the season of 1856. The number of boats running was 41, having an average tonnage of about 275 tons. These boats made 328 trips; making the aggregate tonnage of the arrivals at the Levee 90,200. The sum of \$58,000 was paid to Mr. Skinner alone for freights, as shown by his books; besides which a large amount was paid at St. Louis, and accounted for directly to the boats.

In addition to the regular traders and transient boats, a tri-weekly line of packets was established the last season from Jefferson City, connecting with the Pacific Railroad, to Weston, and touching at this point. The boats of this line were elegant and of light draught, and will be reinforced next season, by an additional number of boats, which will run a daily line. The following boats are already entered for the Missouri River trade during the season of 1857:

A. B. Chambers, Captain Gormly; Fontanelle, Barry; Kate Howard, Nanson; Camille, Shaw; Monongahela, Cox; Sultan, McCloy; Polar Star, Dix; Morning Star, Brierly; J. M. Convers, Bowman; J. H. Lucas, Silvers; New Lucy, Conley; David Tatum, Benton; Emma, Yore; Star of the West, Ohlman; John Warner, Patterson; Wm. Campbell, Edds; F. X. Aubry, Gline; Australia, Welton; Cataract, Able; Keystone, Goddin; Edinburg, Able; W. H. Russell, Kinney; Admiral, Baker; Emigrant, Terrell; Omaha, Winland; A. C. Goddin, Ivers; Hannibal, Hazlett; St. Mary, Cabbell; E. A. Ogden, Bissell; Carrier, Postall; T. E. Tutt, Dozier; D. G. Taylor, Reeder; Amazon, Choteau; one boat for Boonville; two boats for government;—total, 47. Besides these, the following gentlemen will each have a boat, the names of which are not yet known, which will be built expressly for this trade: Ben. Johnson, John Baldwin, Throckmorton, Cheever, Draffin, Chas. Baker, Pat. Yore, Oglesby, Cooper, Jos. Holland.

On the following pages will be found the names of the houses at present doing business in Leavenworth City. The list has been collected and prepared with care, and will be found, in the main, accurate.

## A STATEMENT

OF THE BUSINESS HOUSES, ETC., OF LEAVENWORTH. FEB. 1857.

*Dry Goods Stores—13.*

|                        |                  |
|------------------------|------------------|
| Majors, Russell & Co., | Rees & Keith,    |
| Abeles & Kohn,         | C. J. Byrne,     |
| Kelly & Bird,          | D. W. McCormick, |
| Wm. A. Shannon,        | J. J. Clarkson,  |
| I. Hall & Co.,         | J. M. Dickson,   |
| J. Wollman & Co.,      | M. J. App.       |
| Win. F. Dodd,          |                  |

*Groceries and Provisions—6.*

|                 |               |
|-----------------|---------------|
| J. Richardson,  | J. F. Mason,  |
| Byers & Jewett, | L. Mayer,     |
| M. E. Clark,    | N. McCracken. |

*Family Groceries—5.*

|                 |                    |
|-----------------|--------------------|
| Sattig & Dietz, | F. & W. Englesman, |
| J. F. Strobel,  | F. Strasser.       |
| J. Mitchell,    |                    |

*Forwarding and Commission—5.*

|                   |                       |
|-------------------|-----------------------|
| J. W. Skinner,    | N. McCracken,         |
| A. Gardner & Co., | Majors, Russell & Co. |
| I. Hall & Co.,    |                       |

*Clothing Stores—4.*

|                         |                     |
|-------------------------|---------------------|
| Goldsmith & Klingstein, | A. Schwabacher,     |
| Philip Rothchilds,      | Ringoldsky & Frank. |

*Hotels—5.*

|                    |       |                     |
|--------------------|-------|---------------------|
| Planters' Hotel,   | - - - | McCarty & McMeekin, |
| Leavenworth Hotel, | - - - | A. Beach,           |
| Union House,       | - - - | H. T. Clarke,       |
| Temperance Hotel,  | - - - | H. P. Livers,       |
| St. George,        | - - - | B. O. Menger.       |

*Lumber Dealers—6.*

|                        |                |
|------------------------|----------------|
| S. Scruggs,            | J. W. Skinner, |
| E. Ross,               | Panton & Yohe, |
| R. C. Thompson, agent. | N. Vincent.    |

*Printing Offices—2.*

|                      |       |                  |
|----------------------|-------|------------------|
| Leavenworth Journal, | - - - | J. D. Henderson, |
| Kansas Herald,       | - - - | Eastin & Adams.  |

*Drug Stores—3.*

|               |            |
|---------------|------------|
| Allen & Nall, | S. Norton. |
| Park & Ellis, |            |

## STATEMENT OF BUSINESS—(CONTINUED).

*Real Estate Agents—10.*

|                          |                     |
|--------------------------|---------------------|
| John A. Halderman & Co., | Clayton & Swift,    |
| E. L. Berthoud & Co.,    | E. M. Lowe,         |
| Brooks & Hall,           | J. A. Manning,      |
| V. B. Young,             | Adams, Swift & Co., |
| Holman & Morris,         | Hines, Burnam & Co. |
| J. H. Day,               |                     |

*Lawyers—32.*

|                    |                 |
|--------------------|-----------------|
| A. McAulay,        | V. B. Young,    |
| Jonn A. Halderman, | T. F. Scott,    |
| D. J. Johnson,     | R. L. Swift,    |
| Jas. Doniphan,     | Geo. H. Perrin, |
| Amos Rees,         | A. J. Isacks,   |
| J Kellogg,         | Asher Clarkson, |
| E. Magruder Lowe,  | Wm. Perry,      |
| Wm. McKee,         | D. L. Henry,    |
| H. J. Adams,       | R. Paynter,     |
| H. Miles Moore,    | J. I. Moore,    |
| M. J. Parrott,     | Wm. G. Mathias, |
| L. S. Boling,      | J. W. Ross,     |
| Jas. M. Lyle,      | Hugh M. Moore,  |
| Ben. J. Franklin,  | B. B. Taylor,   |
| R. R. Rees,        | G. W. Purkins,  |
| B. F. Simmons,     | T. F. Campbell. |

*Physicians and Surgeons—20.*

|                 |                    |
|-----------------|--------------------|
| O. F. Renick,   | W. S. Catterson,   |
| J. H. Day,      | S. Norton,         |
| J. C. Weibley,  | W. I. Schaerff,    |
| G. P. Koentz,   | M. S. Thomas,      |
| J. M. Fackler,  | J. Edmund Bennett, |
| T. Sinks,       | P. Dyer,           |
| R. W. Clarkson, | G. J. Park,        |
| W. D. Bull,     | S. F. Few,         |
| J. F. Smith,    | Jas. Davis,        |
| S. Phillips,    | J. F. Hathaway.    |

*Livery Stables—4.*

|                        |              |
|------------------------|--------------|
| Murphy & Streeter,     | Fred. Emory, |
| D. H. & R. G. Newland, | J. Lewis.    |

*Furniture Stores—3.*

|                  |                        |
|------------------|------------------------|
| M. J. Fogarty,   | J. L. Roundy, ag't for |
| Davis & Henning, | Scarritt & Mason.      |

*Merchant Tailors—3.*

|              |               |
|--------------|---------------|
| R. Jones,    | A. Sporleder. |
| P. Cosgrove, |               |



## STATEMENT OF BUSINESS—(CONTINUED).

*Watchmakers and Jewelers—2.*

John Perley,

W. H. Bailey.

*Bakeries—4.*

John Norton,

Frederick Graser,

Benj. Miller,

M. Sweetzer.

*Boot and Shoe Makers' Shops.*

F. Schluter,

C. Bechler,

J. M. Flad,

J. Daily.

F. W. Otto,

*Wholesale Liquor Stores—2.*

M. Drascovitch,

A. Gardner &amp; Co.

*Tin and Stove Stores—3.*

Geo. Russell,

B. T. &amp; J. J. Luce.

L. N. Basye,

*Saddle and Harness Makers—2.*

B. Wood,

Paul Rohr.

*Meat Markets—3.*

J. Kiernan,

M. Meckel &amp; Co.

F. Potz,

*Blacksmiths' Shops—1.*

D. O'Keefe,

Wm. Winegardner,

A. Hutchinson,

Majors, Russell &amp; Co.

Edward Zeil,

*Banking House—1.*

City Bank,

H. J. Adams, Pres't.

A. C. Swift, Cash'r.

*Painters and Glazers—3.*

Janes &amp; Smith,

Wm. Roberts.

— Rickerson,

*Saloons—19.*

Chas. Holborn,

H. Dunham,

H. T. Clarke,

G. Deacon,

J. Carr Johnson,

Jos. Faivre,

McCarty &amp; McMeekin,

A. C. Quinn,

A. Beach,

Thos. Kerwin,

Thos. Fahey,

John Kaczynski,

A. Trcawski,

D. M. Elringer,

A. Gates,

J. P. Georgens,

M. Conway,

Thos. Russell.

Thos. Sutles,

## STATEMENT OF BUSINESS—(CONCLUDED).

*Miscellaneous.*

|                                |                       |
|--------------------------------|-----------------------|
| Boot and Shoe Store, - - -     | G. W. Clayton.        |
| Surveyor and Civil Engineer, - | Jos. L. McAleer,      |
| Hair Dressing Saloon, - - -    | Jack Scott,           |
| Mattress Manufactory, - - -    | J. Frick & Co.        |
| Daguerrean Artists, - - -      | Hunter & Millburn.    |
| U. S. District Clerk, - - -    | Jno. Gill Spivey.     |
| Auctioneer, - - - - -          | Livius Hazen.         |
| Millinery and Dress Goods, -   | Mrs. L. M. Byrne.     |
| Dentist, - - - - -             | S. A. Marshall.       |
| Wagon Shop, - - - - -          | Majors, Russell & Co. |
| Gunsmith, - - - - -            | J. D. Martin.         |
| Brewery, - - - - -             | Fritzlin & Co.        |

There are in Leavenworth at the present time, eight different religious denominations, holding regular services, and having six houses of worship. These sects are as follows:

Old School Presbyterians, W. Backus, pastor; Lutherans, Rev. J. B. McAfee; M. E. Church South, Rev. A Williams; M. E. Church North, Rev. Wm. B. Russell; Episcopalians, Rev. Hiram Stone; Christians, Rev. J. W. Jones; Catholics, Rt. Rev. Bishop Meige; Cumberland Presbyterians, Rev. McCrary.

It had been designed to give some facts concerning the amount of trade done by some of our more prominent business firms, during the past season; but owing to an inability to procure, in many instances, the requisite data, we are obliged to omit them.

We may, however, notice the operations of Majors, Russell & Co., in the freighting business, without invidious distinction. This firm employs annually more than five hundred wagons, seven thousand five hundred head of cattle, and near eighteen hundred men in conducting its vast operations. Freight was transported across the plains in 1855, to the amount of eight millions of pounds, and the amount carried last year must have been still larger. They require strict morality of all their employees, and a discharge is the consequence of profanity, gambling or dissipation. Their gigantic operations are carried on from this point as head-quarters, and \$15,000 were laid out here for buildings necessary in conducting their business.

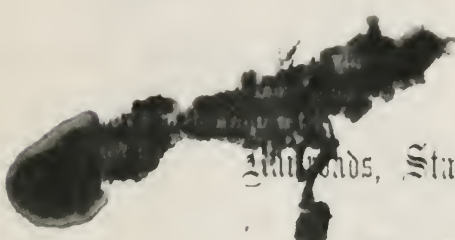
The present price of property in Leavenworth shows the confidence placed in the future growth of the town by capitalists. Within a few weeks, a large amount of property has changed hands, and we subjoin a few of the sales:

Dr. S. Few sold 55 acres adjoining town during the "Trust Sales," for \$11,000, or \$200 per acre; Mr. Abel Gilbert also sold the same number of acres for a similar sum; two other tracts, of ten and twenty acres respectively, sold for \$200 per acre. Mr. Henderson sold a quarter-section, 1 1-2 miles south-west of the city for \$5,000. Lots in the city now range from \$100 to \$1,000 each, according to location. Four vacant lots on Cherokee street were sold for \$2,600. As an evidence of the rapid increase in the value of land *state since the Sales*, a portion of the Gilbert tract has been sold for \$2,000 per acre, and the whole tract with the Few tract was readily sold at \$1000 per acre. The Henderson farm is now held at 17,600, and \$100 per acre has been already paid for lands 6 miles from the city.

There have been contracts already made for 50 to 70 brick buildings to be erected next season, and it is believed that not less than 500 will be built during this year. The improvements now under way are generally of a much more substantial character than have heretofore been made; for example, a hotel will be erected next season, costing about \$20,000 and we might name others on a similar scale.

Among the public improvements projected or under way, a Coal Mining Company may be noticed, which has been chartered to mine and vend coal on a strip of land six miles wide, and thirty miles in length, embracing Leavenworth, and extending westerly as far as Grasshopper Creek, with all other privileges usually attaching to such companies. The company is about to be organized, and will employ an experienced miner and geologist, to bore and test for coal the coming season. The evidences of coal are abundant in the vicinity of Leavenworth, and from the geological works of Professor Swallow and others, there is not a doubt but rich veins of coal may be found not many feet below the surface. A discovery of this nature and a successful company to supply the country with coal, will be of incalculable benefit to the people and prosperity of Leavenworth.

An act was passed at the first session of the Legislature, to incorporate "The Kapsas University," which by the act is located at Leavenworth, and authorizes the trustees named to apply "the property, real and personal, held by this corporation by this act, to the purposes of education in the various departments of literary, legal and medical instruction." This is an important step to the interests of the city, and will speedily be made available.



## Railroads, Stage Routes, Etc.

The projected Railroads having their termini in Leavenworth City, and which are now advancing with rapid strides, deserve especial attention, in delineating the advantages of this point. At the first session of the Legislature of Kansas Territory, a charter prepared by Col. J. M. Alexander, incorporating the Leavenworth, Pawnee and Western Railroad Company was passed, which charter authorizes the company "to survey, work, locate and construct a Railroad from the west bank of the Missouri River, in the town of Leavenworth, in this territory, and from thence to the town of Pawnee, or to some point feasible and near to the government reservation for Fort Riley, with the privilege of extending the same to the western boundary of the Territory," etc.

On the 3d day of January, 1857, this company organized by electing the following directors, viz.: Hugh Ewing, J. M. Alexander, A. J. Isacks, Wm. Brindle, Asa Beach, J. E. Boyle, A. McAulay, O. B. Holman, and B. R. Taylor.

The directors subsequently met and organized their Board by electing Hugh Ewing, President; J. M. Alexander, Secretary, and Wm. H. Russell, Treasurer. The company are asking, and expect to obtain, a grant of land to enable them to pursue more effectually their enterprise, and when the importance to the interests not only of this city, but of our common country, become known and appreciated, there will be no difficulty in obtaining the requisite legislation at the hands of Congress.



By this Road, an important link will be formed in the grand Railway to the Pacific, which has been contemplated with feelings of so much interest in every section of our land. The enthusiasm manifested, and the liberality of subscriptions, indicate most clearly that the Leavenworth, Pawnee and Western Railroad will be, at no very distant day, a "fixed fact." It will be the first railroad built in Kansas,—the initiatory step to the Road which now engrosses the attention of a large portion of Texas, viz.: a connection of the system of railroads eastward, with the Gulf of Mexico. This connection is of such vast importance in a national point of view, that it cannot be much longer neglected; in fact, the people of Texas are already taking steps towards its accomplishment.

On the 20th of January, 1857, the citizens of Platte County, Mo., held a meeting at Platte City, in conference with the Leavenworth, Pawnee, and Western Railroad Company, when the meeting resolved to construct a Railroad from a point opposite Leavenworth on the Missouri River, running eastwardly through Platte, and intersecting the Hannibal and St. Joseph Railroad. A committee was appointed to draft a charter and obtain the necessary legislation at the hands of the Missouri Legislature, now in session, to enable them to effect the desired object. Judge Norton was one of that committee, and is a sufficient guaranty that this much-desired work will be accomplished. An eastern connection will be made by constructing a line of some 40 miles, only, which we may expect to see speedily pushed forward.

The incipient Railroads terminating at this point, have, however, less immediate interest to the traveler or emigrant, than the common roads which diverge hence, and the facilities for conveyance that are employed. In addition to the government roads which centre here, private enterprise has opened highways to all towns of importance not reached by these great thoroughfares. One of these leads to Lawrence, the second town in the territory in point of size, and whose thrift and rapid improvement is remarked by every visitor; a road to Leecompton, the capital of the territory, and a growing city, has also been constructed;—which roads, with their connections, afford a direct and excellent medium of communication with Tecumseh, the county seat of Jefferson County, and Topeka, both of which are flourishing and progressive towns, also with Osawatimie;

Neosho, and all the country south of the Kansas River. Besides these, we have roads up and down the Missouri River, connecting this point with Doniphan, Atchison, Kickapoo, Delaware, Wyandotte, and other points. It is fair to say that no point in the West is more amply supplied with roads and means of communication, than is the two-year-old city of Leavenworth. Subjoined is a statement of the various stage routes leading from this point together with the distances, proprietors, etc.

*Leavenworth and Westport, Mo.*—A tri-weekly line of hacks; Kimball, Moore & Co., proprietors; distance, 32 miles.

*Leavenworth and Lawrence.*—Two tri-weekly lines of hacks, alternate days; H. Sutherland and H. G. Weibling, proprietors; mail tri-weekly; distance, 30 miles.

*Leavenworth and Weston.*—Daily mail coaches; Kimball, Moore & Co., proprietors; distance, 8 miles.

*Leavenworth and Leecompton.*—Daily coaches; mail tri-weekly; Cass, proprietor; distance, 35 miles.

*Leavenworth and Fort Riley.*—Weekly mail and line of hacks, passing through Salt Creek, Easton, Hardville, Osawkee, Indianola, Silver Lake, Louisville, Manhattan and Ogden; Fred Emory, proprietor.

*Leavenworth and Atchison (via Kickapoo).*—Weekly mail and line of hacks; distance 21 miles.

There are two express lines running regularly to this point from St. Louis, both of which are well-known for their responsibility and promptness. Each of these companies has an office in Leavenworth, the agent for Adams & Co. being Mr. J. W. Skinner, and for Richardson's Missouri River Express, Rees & Keith. The latter company runs a line of express wagons to Jefferson City, there connecting with the Pacific Railroad, at times when the navigation of the River is closed.

On the following page will be found a table, illustrating the advantage in position which Leavenworth enjoys, in the way of reaching points in the interior. These distances are mainly taken from the most accurate maps, corrected by late surveys. The statement is worthy the attention of all immigrants to Kansas, as it will be seen that by coming to Leavenworth a material saving of overland travel will be made.

## COMPARATIVE VIEW

OF DISTANCES FROM LEAVENWORTH CITY, K. T., AND  
KANSAS CITY, MO., TO POINTS IN THE INTERIOR.

| From Leavenworth to—     | miles. | From Kansas City to—     | miles. |
|--------------------------|--------|--------------------------|--------|
| Lawrence, . . .          | 30     | Lawrence, . . .          | 43     |
| Lecompton, . . .         | 35     | Lecompton, . . .         | 55     |
| Big Springs, . . .       | 34     | Big Springs, . . .       | 55     |
| Tecumseh, . . .          | 47     | Tecumseh, . . .          | 58     |
| Topeka, . . .            | 50     | Topeka, . . .            | 70     |
| Wanonoe, . . .           | 70     | Wanonoe, . . .           | 90     |
| Manhattan, . . .         | 104    | Manhattan, . . .         | 138    |
| Wabonsa, . . .           | 92     | Wabonsa, . . .           | 126    |
| Ogden, . . .             | 122    | Ogden, . . .             | 132    |
| Fort Riley, . . .        | 130    | Fort Riley, . . .        | 110    |
| Alexandria, . . .        | 10     | Alexandria, . . .        | 40     |
| Osawkee, . . .           | 28     | Osawkee, . . .           | 58     |
| Grasshopper Falls, . . . | 28     | Grasshopper Falls, . . . | 58     |
| Atchison, . . .          | 18     | Atchison, . . .          | 48     |
| Kansas City, . . .       | 30     | Leavenworth City, . . .  | 30     |
| Doniphan, . . .          | 25     | Doniphan, . . .          | 55     |
| Kickapoo, . . .          | 8      | Kickapoo, . . .          | 38     |
| Helena, . . .            | 33     | Helena, . . .            | 63     |
| Marysville, . . .        | 100    | Marysville, . . .        | 130    |
| Franklin, . . .          | 33     | Franklin, . . .          | 38     |
| Osawatomie, . . .        | 58     | Osawatomie, . . .        | 48     |
| Council City, . . .      | 85     | Council City, . . .      | 56     |
| Council Grove, . . .     | 120    | Council Grove, . . .     | 126    |
| Columbia, . . .          | 145    | Columbia, . . .          | 151    |
| Catholic Mission, . . .  | 75     | Catholic Mission, . . .  | 105    |
| Easton, . . .            | 14     | Easton, . . .            | 44     |
| Hardtville, . . .        | 30     | Hardtville, . . .        | 60     |
| Indianola, . . .         | 55     | Indianola, . . .         | 85     |
| Wyoming, . . .           | 36     | Wyoming, . . .           | 54     |
| Fort Kearney, . . .      | 315    | Fort Kearney, . . .      | 345    |
| Laramie, . . .           | 650    | Laramie, . . .           | 650    |
| South Pass, . . .        | 935    | South Pass, . . .        | 965    |
| Fort Bridger, . . .      | 1058   | Fort Bridger, . . .      | 1088   |
| Salt Lake City, . . .    | 1172   | Salt Lake City, . . .    | 1202   |

## Real Estate Titles.

We have deferred giving the condition of titles to Real Estate, in Leavenworth, in order that some facts concerning them might be given, which have recently transpired. It is not deemed necessary to present an extended statement of the condition and history of the Delaware trust lands, including the Leavenworth town site. It is sufficient for present purposes to say that *the validity of titles is now established beyond a doubt*. An arrangement has been made within a few weeks, with the government, by which holders of property will receive undoubted *Government titles* for their lots, the soundness of which cannot be doubted. The slanders and misrepresentations of would-be rivals are thus silenced by incontrovertible facts, and purchasers of property can now be assured of secure titles and profitable investments.



## Officers.

### LEAVENWORTH COUNTY.

*Judge of Probate Court.*—John A. Halderman.

*County Commissioners.*—J. M. Hall. M. R. Walker.

*Sheriff.*—S. W. Tunnell.

*Clerk of Court and ex off. Recorder.*—J. M. Lyle.

*Assessor.*—Wm. Saunders.

*Treasurer.*—M. Pierce Rively.

*County Surveyor.*—Bennett Burnam.

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### LEAVENWORTH CITY.

*Mayor.*—Wm. E. Murphy.

*Recorder.*—Wm. Perry.

*Marshal.*—Wm. P. Shockley.

*Deputy Marshal.*—Wm. Ashton.

*Treasurer.*—Jas. P. Bird.

*Council.*—J. H. Day, W. A. Shannon, D. R. Newland, J. Westcott, Christian Beck, O. F. Renick, John A. Halderman, Wm. S. Dodd, W. S. Yoho.

## The Law of Pre-emption.

As there exists among a large class of individuals, both in Kansas and out of it, very erroneous and inadequate ideas of the requirements of the Law of Pre-emption, we have deemed it advisable to give a brief summary of the provisions of the Law of 4th September, 1841, which has been applied to the Public Lands in this Territory. This we do for the reason that the law may be inaccessible to many who may peruse this pamphlet, or at least inconvenient to refer to. The Act may be found at length in the U. S. Statutes, pp. 453—458. We are indebted for this abridgement to a communication published by Mr. C. C. Andrews, some two years since. All the material parts are condensed with clearness and brevity, and may be relied on for correctness.

1. *Lands subject to pre-emption.*—In Sec. 10 of said Act it is provided that the Public Lands to which the Indian title had been extinguished at the time of the settlement, and which had also been surveyed prior thereto, shall be subject to pre-emption and purchase at the rate of one dollar and twenty five cents per acre. And by the act of July 22, 1854, Sec. 12. the pre-emption of *unsurveyed* lands is recognized as legal. Lands of the following description are excepted: Such as are included in any reservation by any treaty, law, or proclamation of the President of the United States, or reserved for salines or other purposes; sections 16 and 36 in each township, they being reserved for school purposes (Organic Act of Kansas § 34); lands included within the limits of any incorporated town, or which

have been selected as the site for any city or town; lands actually settled and occupied for the purposes of trade and not agriculture; and lands on which are situated any known salines or mines.

II. *The Amount* designated is any number of acres not exceeding one hundred and sixty.

III. *Who may pre-empt.*—"Every person being the head of a family, or widow, or single man, over the age of twenty-one years, and being a citizen of the United States, or having filed his intention to become a citizen, as required by the naturalization laws." But no person shall be entitled to more than one pre-emption right; and no person who is the proprietor of 320 acres of land in any State or Territory of the United States; and no person who shall quit or abandon his residence on his own land to reside on the public land in the same State or Territory, shall acquire any right of pre-emption.

III. *The method to perfect the Right.*—The pre-emptor must make a settlement on the land in person; inhabit and improve the same, and erect thereon a dwelling. And when the land has been surveyed previous to settlement, the pre-emptor shall, within thirty days of the date of the settlement, file with the Register of the proper district a written statement, describing the land settled upon, and declaring the intention of such person to claim the same under the provisions of the pre-emption law. And before a time to be specified by Government, such person shall make the requisite proof, affidavit, and payment. When unsurveyed lands are pre-empted, (Act of 1834), notice of the specific tracts claimed shall be filed with the Surveyor General within three months after the survey has been made in the field. And when two or more persons shall have settled on the same quarter-section, the right of pre-emption shall be in him or her who made the first settlement; and questions arising between different settlers shall be decided by the Register and Receiver of the district within which the land is situated, subject to an appeal to, and revision by, the Secretary of the Treasury of the United States.

V. Further, the settler must take oath before the Receiver or Register that he or she has never had the benefit of any right of pre-emption under the pre-emption act; that he or she is not the owner of three hundred and twenty acres of land in any State or

Territory of the United States, nor hath he or she settled upon and improved said land to sell the same on speculation, but in good faith to appropriate it to his or her own exclusive use or benefit; and that he or she has not directly or indirectly made any agreement or contract by which the title which he or she might acquire from the Government of the United States should enure in whole or in part to the benefit of any person beside himself or herself; and if any person taking such oath shall swear falsely in the premises, he or she shall be subject to all the pains and penalties of perjury, and shall forfeit the money which he or she may have paid for such land, and all right and title to the same; and any grant or conveyance which he or she may have made, except in the hands of *bona fide* purchasers for a valuable consideration, shall be null and void.

Proof of the requisite settlement and improvement shall be made by the pre-emptor, to the satisfaction of the Register and Receiver in the District in which the lands so claimed lie, who shall each be entitled to receive fifty cents from each applicant, for his services rendered as aforesaid; and all assignments and transfers of the right hereby secured prior to the issuing of the patent shall be null and void.



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